

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-4477

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JEFFREY BINGLEY,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Charleston. Patrick Michael Duffy, District Judge. (CR-02-123)

Submitted: November 6, 2003

Decided: November 17, 2003

Before WIDENER, MICHAEL, and TRAXLER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

William F. Nettles, IV, Assistant Federal Public Defender, Florence, South Carolina, for Appellant. Miller Williams Shealy, Jr., OFFICE OF THE UNITED STATES ATTORNEY, Charleston, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Jeffrey Bingley pled guilty to conspiracy to possess with intent to distribute cocaine base, 21 U.S.C. § 846(a)(2000). Bingley's counsel has filed a brief in accordance with Anders v. California, 386 U.S. 738 (1967), raising one possible sentencing issue on appeal and asking this court to review the guilty plea hearing, but stating that, in his view, there are no meritorious issues for appeal. Bingley was informed of his right to file a pro se supplemental brief but has failed to do so.

Bingley was sentenced as a career offender under U.S. Sentencing Guideline Manual § 4B1.1 (2002) based on three previous rug felonies delineated in the Presentence Report. Bingley did not object to the Presentence Report's findings at the sentencing hearing, and does not point out error on appeal. We conclude the district court did not commit clear error in its application of the career offender provisions. Our review of the transcript of the plea proceeding reveals that the district court fully complied with the requirements of Rule 11 in accepting Bingley's guilty plea.

In accordance with Anders, we have reviewed the entire record in this case and have found no meritorious issues for appeal. We therefore affirm Bingley's conviction and sentence. This court requires that counsel inform his client, in writing, of his right to petition the Supreme Court of the United States for further review. If the client requests that a petition be filed, but counsel believes that such a petition would be frivolous, then counsel may move in this court for leave to withdraw from

representation. Counsel's motion must state that a copy thereof was served on the client. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED